

BITA RAHEBI (CA SBN 209351)
brahebi@mofo.com
ALEX S. YAP (CA SBN 241400)
ayap@mofo.com
ROSE S. LEE (CA SBN 294658)
roselee@mofo.com
MORRISON & FOERSTER LLP
707 Wilshire Boulevard, Suite 6000
Los Angeles, California 90017-3543
Telephone: (213) 892-5200
Facsimile: (213) 892-5454

[Additional counsel on signature page]

Attorneys for Counter-Defendants,
MAXLINEAR, INC. AND MAXLINEAR
COMMUNICATIONS LLC

UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA, SOUTHERN DIVISION

ENTROPIC COMMUNICATIONS,
LLC,

Plaintiff,

v.

COX COMMUNICATIONS, INC.;
COXCOM, LLC; AND COX
COMMUNICATIONS
CALIFORNIA, LLC,

Defendants,

COX COMMUNICATIONS, INC.;
COXCOM, LLC; AND COX
COMMUNICATIONS
CALIFORNIA, LLC,

Counter-Claimants,

v.

ENTROPIC COMMUNICATIONS,
LLC; MAXLINEAR, INC.; AND
MAXLINEAR COMMUNICATIONS
LLC,

Counter-Defendants.

Case No. 2:23-cv-01043-JWH-KES
(Lead Case)

Case No. 2:23-cv-01047-JWH-KES
(Related Case)

**COUNTER-DEFENDANTS
MAXLINEAR, INC. AND
MAXLINEAR COMMUNICATIONS
LLC'S APPLICATION FOR LEAVE
TO FILE UNDER SEAL REQUEST
FOR JUDICIAL NOTICE IN
SUPPORT OF NOTICE OF MOTION
AND MOTION TO DISMISS
AMENDED COUNTERCLAIMS BY
COX COMMUNICATIONS, INC.,
COXCOM, LLC, AND, COX
COMMUNICATIONS CALIFORNIA,
LLC**

Judge: Hon. John W. Holcomb

Hearing:

Date: March 29, 2024

Time: 9:00 a.m.

Place: Courtroom 9D, Santa Ana

Pursuant to Local Rule 79-5.2.2(a) governing documents to be filed under seal, Counter-Defendants MaxLinear, Inc. and MaxLinear Communications LLC (collectively, “MaxLinear”) hereby submit their Application for Leave to File Under Seal Request for Judicial Notice in Support of Notice of Motion and Motion to Dismiss Counterclaims by Cox Communications, Inc., CoxCom, LLC, and Cox Communications California, LLC (collectively, “Cox”).

MaxLinear seeks leave to file under seal the entirety of (1) the membership agreement between Cox Communications, Inc. and the Multimedia over Coax Alliance, which Cox designated “Confidential,” attached as Exhibit A to the Request for Judicial Notice, and (2) a Patent Purchase Agreement executed by MaxLinear and Plaintiff Entropic Communications, LLC that has been designated “Highly Confidential – Attorneys’ Eyes Only,” attached as Exhibit B to the Request for Judicial Notice.

Document to be sealed	Portions to be sealed
Exhibit A to MaxLinear’s Request for Judicial Notice	Entirety
Exhibit B to MaxLinear’s Request for Judicial Notice	Entirety

Pursuant to Local Rule 79-5.2.2(a) and (b), MaxLinear applies to file under seal the documents listed above. Under Rule 79-5.2.2(a), a party may seek leave to file a document under seal so long as the Application describes the nature of the information that should be closed to public inspection and is accompanied by: (1) a declaration establishing good cause why the strong presumption of public access in civil cases should be overcome and informing the Court whether anyone opposes the Application; (2) a proposed order; (3) a redacted version of the relevant documents; and (4) an unredacted version of the relevant documents. MaxLinear

1 has complied with these requirements. The information that MaxLinear seeks to
2 seal under Rule 79-5.2.2(a) is contained within (1) a confidential agreement
3 between Cox Communications, Inc. and a third-party entity; and (2) a confidential
4 agreement between MaxLinear, Inc. and Entropic Communications, LLC. The
5 public does not have an interest in accessing this confidential information.
6 Additionally, MaxLinear's request is narrowly tailored to only prevent the public
7 from viewing confidential information. Finally, Entropic and Cox do not oppose
8 MaxLinear's under seal filing.

9 Therefore, compelling reasons exist to seal the entirety of the above
10 documents. *See Aya Healthcare Servs., Inc. v. AMN Healthcare, Inc.*, 2020 WL
11 1911502, at *5 (S.D. Cal. Apr. 20, 2020) ("The Court agrees that compelling
12 reasons exist to seal references . . . to Defendants' proprietary business records that
13 detail sensitive financial terms, proprietary business strategies, and confidential
14 negotiations and agreements with third parties."); *In re Qualcomm Litig.*, 2019 WL
15 1557656, at *3 (S.D. Cal. Apr. 10, 2019) (granting motions to seal "confidential
16 business information of the parties, including trade secrets, proprietary business
17 records, discussions of internal strategy, company dealings, and materials
18 designated as 'Highly Confidential'").

19 MaxLinear respectfully requests that this Court order the unredacted
20 document to be filed under seal. Redacted and unredacted versions of Exhibit A
21 and Exhibit B are filed herewith.

22 This Application is accompanied by a Declaration of Rose S. Lee and a
23 Proposed Order.

1 Dated: February 6, 2024

MORRISON & FOERSTER LLP

2
3 By: /s/ Rose S. Lee
4 Rose S. Lee

5 BITA RAHEBI (CA SBN 209351)
6 brahebi@mofo.com
7 ALEX S. YAP (CA SBN 241400)
8 ayap@mofo.com
9 ROSE S. LEE (CA SBN 294658)
10 roselee@mofo.com
11 MORRISON & FOERSTER LLP
12 707 Wilshire Boulevard, Suite 6000
13 Los Angeles, California 90017-3543
14 Telephone: (213) 892-5200
15 Facsimile: (213) 892-5454

16 RICHARD S.J. HUNG (CA SBN
17 197425)
18 rhung@mofo.com
19 MORRISON & FOERSTER LLP
20 425 Market Street
21 San Francisco, California 94105-2482
22 Palo Alto, California 94304-1018
23 Telephone: (415) 268-7000
24 Facsimile: (415) 268-7522

25 Attorneys for Counter-Defendants
26 MAXLINEAR, INC. AND
27 MAXLINEAR
28 COMMUNICATIONS LLC

sf-5746638